

REFERENCE TITLE: photo enforcement; highways; DPS study

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2168

Introduced by
Representative Biggs

AN ACT

AMENDING SECTION 41-1722, ARIZONA REVISED STATUTES; RELATING TO PHOTO ENFORCEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-1722, Arizona Revised Statutes, is amended to
3 read:

4 41-1722. Photo enforcement system: penalties: fund: study:
5 definition

6 A. ~~Notwithstanding any other law~~, The department ~~shall~~ MAY enter into
7 a contract or contracts with a private vendor or vendors pursuant to chapter
8 23 of this title to ~~establish a state~~ USE A photo enforcement system
9 consisting of cameras placed ~~throughout this state~~ ON STATE HIGHWAYS as
10 determined by the director to enforce the provisions of title 28, chapter 3,
11 ~~articles 3 and~~ ARTICLE 6 relating to vehicle ~~traffic and~~ speed.

12 B. Notwithstanding any other law, the civil penalty or fine for a
13 citation or a notice of violation issued pursuant to this section is one
14 hundred sixty-five dollars and is not subject to any surcharge except the
15 surcharge imposed by section 16-954. ~~State photo enforcement citations shall~~
16 ~~not be included in judicial productivity credit calculations for fiscal year~~
17 ~~2008-2009.~~

18 C. The photo enforcement fund is established consisting of monies
19 received from citations or notices of violation issued pursuant to this
20 section. The director shall administer the fund. Monies in the fund are
21 subject to legislative appropriation and are appropriated to the department
22 for administrative and personnel costs ~~of the state~~ RELATED TO THE USE OF A
23 photo enforcement system ON STATE HIGHWAYS. Monies remaining in the fund in
24 excess of two hundred fifty thousand dollars at the end of each calendar
25 quarter shall be deposited, pursuant to sections 35-146 and 35-147, in the
26 state general fund.

27 D. Notwithstanding any other law, if a person is found responsible for
28 a civil traffic violation or a notice of violation pursuant to a citation
29 issued pursuant to this section, the department of transportation shall not
30 consider the violation for the purpose of determining whether the person's
31 driver license should be suspended or revoked. A court shall not transmit
32 abstracts of records of these violations to the department of transportation.

33 E. BEFORE THE INSTALLATION OF A PHOTO ENFORCEMENT SYSTEM ON ANY
34 PORTION OF A STATE HIGHWAY OR THE RENEWAL OF A CONTRACT THAT CONTINUES THE
35 USE OF A PHOTO ENFORCEMENT SYSTEM ON ANY PORTION OF A STATE HIGHWAY, THE
36 DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SHALL INITIATE AND JOINTLY
37 CONDUCT A STUDY WITH THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION TO
38 DETERMINE IF THE INSTALLATION OF A PHOTO ENFORCEMENT SYSTEM ON THAT PORTION
39 OF THE HIGHWAY IS NECESSARY TO ENSURE PUBLIC SAFETY.

40 F. THE STUDY SHALL EXAMINE THE FOLLOWING:

41 1. WHETHER ALTERATIONS IN THE SPEED LIMIT, SIGNAGE, ENFORCEMENT
42 STRATEGY OR THE DESIGN OF THE ROADWAY ARE SUFFICIENT TO IMPROVE PUBLIC SAFETY
43 ON THE PORTION OF THE HIGHWAY.

44 2. WHETHER ENGINEERING AND ENFORCEMENT ALTERNATIVES ARE MORE COST
45 EFFECTIVE OVER THE LIFE CYCLE OF THE HIGHWAY THAN A PHOTO ENFORCEMENT SYSTEM.

1 3. WHETHER A PHOTO ENFORCEMENT SYSTEM THAT IS CAPABLE OF SAFELY
2 COVERING AT LEAST FIVE LANES OF TRAFFIC IN ONE DIRECTION AND THAT MEETS OR
3 EXCEEDS FEDERAL ROADSIDE CRASH SAFETY STANDARDS IS AVAILABLE FOR STATE
4 PROCUREMENT.

5 4. WHETHER A VENDOR PROPOSING TO USE THE RIGHT-OF-WAY ADJOINING A
6 STATE HIGHWAY FOR A PURPOSE RELATED TO PHOTO ENFORCEMENT ACTIVITIES IS
7 FINANCIALLY CAPABLE OF FILING A BOND OR INSURANCE POLICY IN AN AMOUNT
8 SUFFICIENT TO INDEMNIFY THIS STATE FROM ANY CLAIMS ARISING FROM DAMAGES
9 RELATED TO A PHOTO ENFORCEMENT SYSTEM.

10 G. IF THE DIRECTOR CONCLUDES PURSUANT TO THIS SECTION THAT
11 INSTALLATION OF A PHOTO ENFORCEMENT SYSTEM IS NECESSARY TO ENSURE PUBLIC
12 SAFETY, THE DIRECTOR SHALL NOT ENTER INTO ANY CONTRACT TO PROCURE PHOTO
13 ENFORCEMENT SYSTEMS OR SERVICES UNLESS THE TERMS OF THE CONTRACT INCLUDE ALL
14 OF THE FOLLOWING:

15 1. A PHOTO ENFORCEMENT SYSTEM AFFIXED IN THE RIGHT-OF-WAY SHALL NOT BE
16 LOCATED WITHIN ONE MILE OF ANOTHER PHOTO ENFORCEMENT SYSTEM.

17 2. A PHOTO ENFORCEMENT SYSTEM SHALL NOT BE LOCATED WITHIN ONE THOUSAND
18 FEET OF A DECREASE IN THE POSTED SPEED LIMIT.

19 3. SIGNS INDICATING THAT THE DRIVER IS APPROACHING A PHOTO ENFORCEMENT
20 ZONE SHALL INFORM THE DRIVER OF THE SPEED LIMIT FOR THE PORTION OF THE
21 HIGHWAY WHERE THE PHOTO ENFORCEMENT SYSTEM IS LOCATED.

22 4. A STATEMENT FROM THE VENDOR VERIFYING THAT THE DURATION AND
23 BRIGHTNESS OF THE LIGHT FLASHES EMANATING FROM EACH PHOTO ENFORCEMENT SYSTEM
24 ARE CALIBRATED AT A LEVEL TO MINIMIZE DRIVER DISTRACTION AND ARE NOT A
25 CONTRIBUTING FACTOR TO VEHICLE CRASHES.

26 5. A STATEMENT FROM THE VENDOR THAT THE DURATION AND BRIGHTNESS OF THE
27 LIGHT FLASHES EMANATING FROM EACH PHOTO ENFORCEMENT SYSTEM ARE CALIBRATED AT
28 A LEVEL THAT COMPLIES WITH SECTION 49-1102.

29 H. FOR THE PURPOSES OF THIS SECTION, "PHOTO ENFORCEMENT SYSTEM" HAS
30 THE SAME MEANING PRESCRIBED IN SECTION 28-601.

31 Sec. 2. Photo enforcement systems; state highways; safety study

32 The department of public safety must review data relating to photo
33 enforcement systems as defined in section 28-601, Arizona Revised Statutes,
34 that are on state highways on the effective date of this act. If the
35 department of public safety finds that any photo enforcement system that is
36 located on a state highway and that is installed pursuant to section 41-1722,
37 Arizona Revised Statutes, is not necessary to ensure public safety, the
38 department shall remove the photo enforcement system.